

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RYAN JACOBSON, et al.,)
Plaintiffs,)
v.) Civil Action No. 02-181
BMW OF NORTH AMERICA, LLC.,) Magistrate Judge Caiazza
et al.,)
Defendants.)

SECOND CASE MANAGEMENT ORDER

All dispositive motions, including but not limited to Motions for Summary Judgment, but excluding Motions in Limine, shall be filed by November 1, 2005. Each Motion shall be accompanied by a proposed Order of Court (see Local Rule 7.1.B). Each such motion shall be filed with the Clerk of Court together with a memorandum of law, not in excess of twenty-five (25) pages. The responding party shall file its responsive memorandum, not in excess of twenty-five (25) pages, within thirty (30) days after receipt of a dispositive motion. Within eleven (11) days after receipt of a responsive memorandum, the movant may file a reply brief, a practice which is not encouraged, not in excess of ten (10) pages. No further submissions will be permitted.

Each Motion for Summary Judgment shall be accompanied by a separate Statement of Material Facts as to which the movant

contends there is no genuine issue. The Statement of Material Facts shall be in numbered paragraphs, each of which shall contain only one fact. Each paragraph shall include clear and explicit reference to the parts of the record upon which the movant relies to support the contention.

An Opposition to a Motion for Summary Judgment shall be filed within thirty (30) days after receipt of a Motion for Summary Judgement and shall be accompanied by a separate concise Statement of Material Facts, responding to the numbered paragraphs in the movant's Statement in like-numbered paragraphs. The non-movant's Statement shall set forth all material facts as to which the non-movant contends there exists a genuine issue to be litigated. Each paragraph in which the non-movant asserts a genuine issue to be litigated shall include clear and explicit reference to the parts of the record upon which the non-movant relies to support the contention.

In resolving any Motion for Summary Judgment, the Court shall assume the facts identified and supported by the movant in its Statement of Material Facts are admitted, unless such facts are specifically controverted in the Statement of Material Facts filed in opposition to the Motion. All parties shall attach to their Statements of Material Facts copies of the documents or portions of the record that support their Statements.

The Court will not consider informal letters as briefs. All such matters should be made the subject of a formal Motion filed with the Clerk of Court.

Failure of a movant to comply with this Order may result in the denial of the Motion; similarly, failure of a respondent to comply may result in the granting of the Motion.

IT IS FURTHER ORDERED that a Settlement Conference is now scheduled for September 28, 2005 at 9:00 a.m.

August 10, 2005

s/Francis X. Caiazza
Francis X. Caiazza
U.S. Magistrate Judge

cc:

Monte J. Rabner, Esq.
429 Fourth Avenue
800 Law & Finance Building
Pittsburgh, PA 15219

Arnd N. von Waldow, Esq.
Wayne W. Ringeisen, Esq.
Reed, Smith, Shaw & McClay
435 Sixth Avenue
Pittsburgh, PA 15219-1886

Monte J. Rabner, Esq.
429 Fourth Avenue
800 Law & Finance Building
Pittsburgh, PA 15219

Arnd N. von Waldow, Esq.
Wayne W. Ringeisen, Esq.
Reed, Smith, Shaw & McClay
435 Sixth Avenue
Pittsburgh, PA 15219-1886